



Charles M. Lizza
Phone: (973) 286-6715
Fax: (973) 286-6815
clizza@saul.com
www.saul.com

August 30, 2023

VIA ECF

The Honorable Madeline Cox Arleo, U.S.D.J.
King Fed. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *Alkermes, Inc., et al. v. Teva Pharmaceuticals USA, Inc.*
Civil Action No. 20-12470 (MCA)(MAH)

Dear Judge Arleo:

This firm, together with Paul Hastings LLP, represents plaintiffs Alkermes, Inc. and Alkermes Pharma Ireland Limited in the above-captioned matter.

We are pleased to inform the Court that the parties have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Stipulated Consent Judgment and Injunction, which, subject to the Court's approval, would dismiss this case. If the enclosed Stipulated Consent Judgment and Injunction meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink that reads "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Hon. Michael A. Hammer, U.S.M.J. (via ECF)
All Counsel (via email)

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102
(973) 286-6700

Attorneys for Plaintiffs
Alkermes, Inc. and
Alkermes Pharma Ireland Limited

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALKERMES, INC. and ALKERMES
PHARMA IRELAND LIMITED,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 20-12470 (MCA)(MAH)
(Filed Electronically)

STIPULATED CONSENT JUDGMENT AND INJUNCTION

Whereas Plaintiffs Alkermes, Inc. and Alkermes Pharma Ireland Limited (together, “Plaintiffs”) and Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) have agreed to resolution of this action,

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Teva, through their undersigned counsel of record, that:

1. In the event that the claims of U.S. Patent No. 7,919,499 (the “‘499 Patent”) asserted against Teva are not held invalid or unenforceable, then, absent a license or other

authorization from Plaintiffs, the '499 Patent would be infringed by any unlicensed manufacture, sale, offer for sale, use, or importation in the United States of the generic product that is the subject of Teva's Abbreviated New Drug Application (the "Teva Product").

2. Teva and anyone acting on the behalf of Teva, except as expressly licensed by Plaintiffs, will be enjoined until expiration of the '499 Patent from (i) making, using, offering to sell, selling, or importing the Teva Product in the United States, and (ii) participating in the profits from making, using, offering to sell, selling, or importing the Teva Product in the United States, and (iii) indemnifying others with respect to any making, using, offering to sell, selling, or importing the Teva Product in the United States.

3. Notwithstanding any provision of the foregoing, Teva shall be entitled to contest the infringement, validity, and/or enforceability of the '499 Patent in any future litigation pertaining to any product that is not a generic VIVITROL product.

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Stipulated Consent Judgment and Injunction and the parties' resolution of this matter.

6. Plaintiffs acknowledge that Teva is entitled to maintain its Paragraph IV certification to the '499 Patent pursuant to 21 C.F.R. § 314.94(a)(12)(v) and this resolution has no impact on the final approval of Teva's ANDA.

7. The Clerk of Court is directed to enter this Stipulated Consent Judgment and Injunction.

Dated: August 30, 2023

s/ Charles M. Lizza

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102
(973) 286-6700

OF COUNSEL:

Bruce M. Wexler
Isaac S. Ashkenazi
Max H. Yusem
PAUL HASTINGS LLP
200 Park Avenue
New York, New York 10166

*Attorneys for Plaintiffs
Alkermes, Inc. and
Alkermes Pharma Ireland Limited*

SO STIPULATED:

s/ Liza M. Walsh

Liza M. Walsh
Christine I Gannon
Jessica K. Formichella
WALSH PIZZI O'REILLY FALANGA LLP
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, N.J. 07102
(973) 757-1100

OF COUNSEL:

J.C. Rozendaal
Uma Everett
Tyler Liu
Christina Dashe
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Ave., NW, Suite 600
Washington, DC 20005
(202) 371-2600

*Attorneys for Defendant
Teva Pharmaceuticals USA, Inc.*

SO ORDERED this _____ day of _____, 2023.

Hon. Madeline C. Arleo, U.S.D.J.